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TRIAL EXHIBIT
1070

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APR 23 1987

G. CHRYSS

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCES

CN 029

TRENTON, NEW JERSEY 08625

Dan Raviv Associates, Inc.

GEORGE G. McCANN, P.E.
DIRECTOR

DIRK C. HOFMAN, P.E.
DEPUTY DIRECTOR

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED

APR 22 1987

George Chryss Sr. / P.
Mr. George Napack, Vice President
Hatco Chemical Corporation
King George Post Road
Fords, New Jersey

(201) 738-1000

Re: Issuance of Final NJPDES Discharge to Ground Water Permit
NJPDES Permit NJ0051551
Effective Date:

Dear Mr. Napack:

Enclosed is the final NJPDES Discharge to Ground Water Permit issued in accordance with the New Jersey Pollutant Discharge Elimination System Regulations, N.J.A.C. 7:14A-1 et seq. Violation of any condition of this permit may subject you to significant penalties.

Within 30 calendar days following your receipt of this permit, under N.J.A.C. 7:14A-8.6 you may submit a request to the Administrator for an adjudicatory hearing to reconsider or contest the conditions of this permit. Regulations regarding the format and requirements for requesting an adjudicatory hearing may be found in N.J.A.C. 7:14A-8.9 through 8.13. The request should be sent to:

Administrator
Water Quality Management Element
Division of Water Resources
CN-029
Trenton, New Jersey 08625

Applications for renewal of this permit must be submitted at least 180 days prior to expiration of this permit pursuant to N.J.A.C. 7:14A-2.1 (f) 5.

DR002203

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The following represents the Departments response to comments document and will specifically address each numbered item contained in Part II. Evaluation of the comments submitted March 24, 1986. In addition, the introduction to the comments presented topics that must be responded to at this time.

In regard to considering the comments contained in this submission "initial" or "introductory", please be advised that the Department will not delay a final decision in this matter pending the submission of additional comments of a similar nature as contained in the present submission. Comments included in the present submission are primarily legal in nature with few substantive technical comments presented relative to the conditions in the permit.

In the comments it is stated "reservation of rights to amend and supplement as may be deemed necessary after review and evaluation of the Nuodex data, and/or as may be warranted after further review." From this statement it is difficult to tell how many sets of comments Hatco intends to submit. The NJPDES regulations (N.J.A.C. 7:14A-8.4) specify procedures and requirements (including time limits) for the submission of comments. Be advised that the Department will not wait indefinitely to consider an unknown number of comments. Hatco has a legal burden to determine and present its' position on the technical issues contained in the permit within a specified time limit. Hatco has been on formal notice since December 16, 1985 of the conditions in the Draft permit and has not submitted any technical comments which the Department can consider. The Department will not delay implementation of activities that must be performed in order for Hatco to attain compliance with regulatory requirements only to wait for submission of comments it cannot consider.

In regard to reviewing additional information contained in the Nuodex file, be reminded that it was (1) Hatco's responsibility to submit this information in the application if Hatco felt it was relevant and (2) it is Hatco's responsibility to review all information it feels is necessary to develop and submit comments on the draft permit. As a courtesy to Hatco, the Department informed Hatco of the information in the Nuodex file. Also, as a courtesy to Hatco, the Department sent Hatco pertinent data in the ECRA file along with summaries of ground water data from a review of the NJPDES file. The entire ECRA file is in one place and available for review. Also, all ground water data in the NJPDES file is in one location and available for review. If Hatco feels it is necessary to review all the information in these files it is Hatco's burden to review this information before the comments are submitted.

DR002204

In the beginning of the introduction to Hatco's comments it was stated that "this facility under the existing circumstances is not one which is properly to be regulated by the Department under the NJPDES regulations, which derive under the Federal Water Pollution Control Act." These statements indicate a misunderstanding of the NJPDES regulations and the legal basis for these regulations. The New Jersey Pollutant Discharge Elimination System (N.J.A.C. 7:14A-1 et seq.) contain the regulations implementing the New Jersey Water Pollution Control Act N.J.S.A. 58:10A-1 et seq. This act, unlike the Federal Act, specifically provides for the protection and enhancement of ground waters of the State. Please refer to these statutes and regulations for the legal basis for the requirements imposed on facilities with regulated activities. It is the Department's position that the NJPDES regulations apply to activities at the Hatco facility. The requirements included in the permit must be fulfilled in order for Hatco to attain compliance with the NJPDES regulations and state law.

In the comments it is stated that the unlined waterway used for containment of contaminated storm water is a "natural watercourse." Upon site inspection it was determined that the downstream end of this waterway is a concrete sump. This sump is used to pump storm water, after it is combined with plant effluent, to the Middlesex County MUA. If this is a natural watercourse, this mode of operation would constitute a violation of stream encroachment and flood plain management regulations. If the above is not the actual method of storm water management, please advise otherwise. Independent of whether the "unlined waterway" is natural or manmade, the unlined waterway and concrete sump represent actual and potential discharges to ground water and fall within the scope of the statute and the regulations.

The following will respond to each numbered item presented in Part II Evaluation.

Response to (1)

The existing Administrative Consent Order will expire in January of 1987 when the fifth annual analysis is submitted. The seven (7) wells installed pursuant to this order were located in upgradient and sidegradient positions with respect to the regulated activities at the site. Please be reminded that the original order included 2 additional wells that were located in downgradient positions. Well 6S was located downgradient of abandoned lagoons and well 5S was downgradient of the active lagoons. Results of ground water analyses from wells that were installed show increases in contamination between upgradient (wells 3S and 3D) and sidegradient wells (wells 1S, 1D and 4). Wells 3S and 3D have been consistently clean while wells 1D, 1S

DR002205

and 4 have shown contamination as high as 649 ppb benzene (a proven carcinogen), 240 ppb 1,2 dichloropropane, 237 ppb Di-n butyl phthalate, and 223 ppb naphthalene. Please be advised that the 10-6 cancer risk for benzene contained in Appendix F of N.J.A.C. 7:14A - 1 et seq. is 0.66 ppb. Also, the current policy for total volatile organics and total priority pollutant organics are 10 ppb and 50 ppb respectively. Given this information, the Department considers activities at the facility to represent actual discharges to ground water and a potential threat to public health, safety and the environment.

The NJPDES regulations (7:14A-6.15 Criteria for Ground Water Protection and Response) state that a ground water monitoring system for hazardous waste as described in sections 6.2, 6.3 and 6.8 is applicable to non-hazardous waste management facilities. Under section 6.3 a ground water monitoring system must include at least 3 downgradient wells. The additional wells included in the draft permit were located to fulfill this regulatory requirement. Please be advised that this requirement is also imposed on potential discharges to ground water as well as actual discharges to ground water. These wells are required through the NJPDES permit to fulfill statutory and regulatory requirements and these required activities do not constitute a re-opening of the Administrative Consent Order.

Paragraph 12 of the Administrative Consent Order states that "and shall not prohibit, prevent or otherwise preclude NJDEP from taking whatever actions it deems appropriate to enforce the water pollution control laws of the State of New Jersey ..."

The NJPDES regulations N.J.A.C. 7:14A-1 et seq. are the implementing regulations of the Water Pollution Control Act N.J.S.A. 58:10A-1 et seq. The permit contains provisions that must be followed to attain compliance with these regulations. Clearly, this is an action which enforces the water pollution control laws of the state and is therefore within the authority of the Department.

Response to (2)

The draft permit includes the following requirements:

Installation of five (5) additional shallow wells within 30 days of EDP.

Submission of a soil boring plan to identify abandoned lagoons within 60 days of EDP

Submission of a closure plan for the active lagoons within 90 days of EDP

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Submission of information on closure of abandoned lagoons within 90 days of EDP

Submission of designs for new impoundments within 90 days of EDP

Surface water sample from Crows Mill Creek within 90 days of EDP

Installation of an impermeable liner in the storm water waterway within 180 days of EDP

The contention that these requirements "seek so many items of installation, construction, remedial action, etc." and "relate to numerous different areas" is not substantiated. The Department's position is that the above items can be completed within the time frames included in the permit.

Response to (3)

As stated in the response to (1), N.J.A.C. 7:14A-1 et seq. requires that regulated units be monitored with at least three (3) downgradient wells. Hatco shall determine if wells can be located in downgradient positions either on-site, or off-site (i.e. road right-of-way). If adequate downgradient monitoring cannot be established for an active unit, a permit for operation of the unit would be denied and the unit would not be authorized to accept discharges. In the specific case for Hatco, the additional wells are needed to comply with the requirement for at least three (3) downgradient wells and to aid in determining the extent of contamination caused by the lagoons.

Response to (4)

The precise meaning of "remedial action" as presented in the context of this comment is not clear. Remedial action is a broad term used to describe activities performed to ensure a regulated unit attains compliance with the ground water protection standard included in the permit. It seems that this comment implies that all requirements included in the permit that are intended to bring the activities at the facility into compliance with duly promulgated regulations should be withdrawn. Obviously this approach is not and could not be acceptable to the Department. Without more specific technical comments it is difficult to respond to this blanket statement.

Response to (5)

DR002207

To reiterate the Department's position on discharges to ground water, be reminded that the analysis obtained pursuant to the Administrative Consent Order identifies an actual discharge to ground water. Also, actual discharges to ground water do not have to be proven to exist or be proven to represent catastrophic potentials before the NJPDES regulations apply to a facility. The lagoons (active and abandoned) are regulated units which require a NJPDES ground water permit.

With regard to discharges of pollutants and contaminated storm water, the Department does not have chemical analyses of any discharges to from the Hatco facility. Analyses have been repeatedly requested and Hatco has not provided the results. Again, these analyses should have been submitted as part of the permit application.

It is, however, evident from the analysis of the sludge which is derived from the discharges, and from descriptions of discharges which include "fugitive quantities of raw materials and products", that the discharges contain significant concentrations of hazardous constituents. Also, analysis performed by the Middlesex County MUA on the discharges from Hatco to the MUA show significant concentrations of hazardous constituents. Considering the nature of contaminants contained in the discharges from the plant, the sludge in the lagoons, and the ground water beneath the facility, it is discouraging to see that Hatco does not fully appreciate the seriousness of the problems at the facility or the consequences of the regulatory requirements that are currently being ignored. The Department will not and cannot withdraw any actions based on the available information, nor can it withdraw regulatory requirements that must be complied with according to the statute. To do so would be an abdication of our responsibility to protect the public health, safety and the environment.

Response to (6)

The Department's unswerving position is that the NJPDES regulations specifically apply to the Hatco facility. Refer to responses to (1) and (5) above for discussions on what discharges are regulated under NJPDES.

Response to (7)

This comment appears to object to the entire description of the discharge. The description of the discharge is taken almost-word for-word from the Hatco submission of May 15, 1985. Does Hatco take exception to its' own description of the discharge? If there are errors included in the May 15, 1985 submission, please advise. Also, if there are errors in the discussion of the storm

DR002208

water management system, please advise. Otherwise the fact sheet will remain unchanged and the discharge description will remain as submitted by Hatco.

Response to (8)

New surface impoundments, as described in the draft permit, will comply with the NJPDES regulations for the discharge from this facility. Hatco, may present other designs and waste water management schemes that would not utilize the two existing lagoons. Again, it is the Departments position that discharges to ground water have occurred and are occurring as a result of the operation of the two lagoons. However, independent of this previous statement the Department does not have to prove that these discharges have occurred in order for the regulations to apply. Regulations are implemented to stop these discharges from occurring, and not just to mitigate pollution after it has occurred.

In regard to the removal of contaminated soil, this statement was intended to target contaminated soil in the area in and underlying the active and inactive lagoons. If soil samples in additional areas (i. e. the storm water ditch or tank dike areas) reveal significant contamination, additional soil removal may be required.

Response to (9)

As described in the introduction to these responses, the current method of stormwater management is subject to both the surface and ground water provisions of the NJPDES regulations. Also, if the waterway is a naturally occurring water course the practice of damming the watercourse and pumping the contents to the MCUA would constitute a violation of stream encroachment regulations.

Response to (10)

If Hatco has time frames which they feel are more applicable to follow in attaining compliance with the permit they should have included specific schedules in their comments. It is difficult to respond to a broad statement such as that presented by Hatco. It is Hatco's responsibility to propose an alternate schedule and include the resources which will be committed to performing specific requirements in the permit. Hatco has had more than enough time to develop an alternative time frame to be included in the final permit. If Hatco makes a commitment to develop and implement an acceptable compliance schedule which includes measures to comply with the permit, concerns over Hatco's potential civil and criminal liability may no longer be relevant.

DR002209

Response to (11)

Is Hatco's contention that wells cannot be installed within 30 days or that Hatco will not install additional wells? Please specify.

The Department takes exception to the uncooperative attitude expressed in the statement concerning the identification of discharges. The Department will not and cannot allow a facility to operate with unidentified discharges. Such a course of action is a violation of state law and regulation. The Department requires that locations, descriptions and chemical analysis of all discharges be specifically included in permit applications. Hatco has refused to submit this information. The request for this information is not "unlawful" as Hatco contends. In order to comply with the NJPDES regulations and the Water Pollution Control Act, this information must be submitted by Hatco. If Hatco is still confused over the regulatory basis for these permit requirements it can refer to N.J.A.C. 7:14A-2 (d), 10.1 (c) and 10.11(e) 2. for specific requirements.

Response to (12)

Chemical analyses for individual parameters can be performed utilizing a number of different procedures. The Department requires that certain procedures be used for specific parameters. Also, however, the Department requires that the laboratory performing the analyses be certified for the specific procedure being performed. This is a requirement for all analytical results submitted to the Department and the boiler plate provision that Hatco refers to will not be excluded.

Response to (13)

Part IV of the permit includes Special Conditions that are "tailor-made" to the Hatco facility. Specific comments on these Special Conditions are needed before the Department will make any changes to these requirements.

Response to (14)

The emergency plan shall be based on a "worst-case" scenario (i. e. a major breach in a dike, etc). The plan should include specific procedures which would be followed in order to mitigate the situation. For example, a front end loader from x will move soil from y to the failed area. Liquids and contaminated soil

DR002210

outside of the dike will be removed to an approved off-site disposal area. The plant manager will notify all appropriate authorities, etc.

Response to (15)

Item 27 is a statement which clarifies regulatory requirements and is included for the permittee's information. Therefore, the statement is apposite simply for the fact that it states what is included in the regulations. The permit will be effective on the effective date included on the permit page unless the Department stays the conditions of the permit in accordance with the regulatory requirements of that action.

Response to (16)

This is a "blanket statement" which requests a meeting concerning all requirements in Part II of the permit. The Department cannot and will not comment on such a vague statement without a knowledge of the specific objections that Hatco may have to the requirements in the permit.

Response to (17)

It is the Department's understanding that the lagoons are used for emergency storage during surge periods and heavy rainfall events. Therefore, the lagoons are being "used" regardless of whether the use on a "nonregular basis" as Hatco contends. Also, Hatco must make an attempt at listing the materials discharged to the lagoons. In addition, chemical analyses of the different process and storm water discharges shall be submitted.

Response to (18)

Paragraph 12 of the Administrative Consent Order of October 4, 1982 states that such order "... shall not prohibit, prevent or otherwise preclude NJDEP from taking whatever actions it deems appropriate to enforce the water pollution control laws of the State of New Jersey ..."

The NJPDES regulations N.J.A.C. 7:14A-1 et seq. are the implementing regulations of the water Pollution Control Act N.J.S.A. 58:10A-1 et seq. The permit contains provisions that must be followed to attain compliance with these regulations and the statute. Clearly, the issuance of a NJPDES permit is an action which enforces the water pollution control laws of the state and is therefore within the authority of the Department.

DR002211

Response to (19)

Parameters included are based on a review of the information contained in the application and the public record. Limitations are based on the Ground Water Quality Standards contained in N.J.A.C. 7:9-6 et seq. and other Department policy for total volatile organics and priority pollutant organics which have no specific numerical standards.

Response to (20)

The Department is not requiring that the existing wells be replaced at this time. The Department is only requiring information on the construction of the existing wells so that the Department may make a determination as to the adequacy of the existing wells. If the existing wells do not meet the Department's construction specifications, replacement wells may be required and such a requirement would not violate any existing Administrative Consent Order.

The "monitoring report-transmittal sheet" includes the number and types of reporting forms to be completed after the chemical analyses have been performed. Is the contention that the report forms are not applicable? A more specific comment is needed.

Response to (21)

Same response as 19.

Response to (22)

The permittee shall implement an inspection schedule to ensure the integrity of each monitor well. The permittee can submit an alternate proposal for Department approval which will ensure the integrity of each well and the installation of a replacement well within the required time frame.

Response to (23)

The Department cannot respond to this statement without a more specific comment.

Response to (24)

DR002212

If the wells can be installed they shall be sampled in the order included in Special Condition 11. If they cannot be installed, the regulated unit will not be in compliance with the regulations and closure will be required. Also, it is not clear if Hatco is contesting the requirement for the installation of wells. Comment number 37 requests that the locations for the wells be determined in the field. Please specify.

The Department requires that regulated units be operated by a licensed operator. This requirement will be included in the final permit.

Response to (25)

It is the Department's position that the closure plan, as described in this condition, can reasonably be submitted to the Department within 90 days. Upon submission of the plan, the Department is willing to discuss an appropriate implementation time table to complete the activities contained in the closure plan.

Please refer to the response to number 8. All soil contaminated beyond Department limits within and underlying the area of the active and abandoned lagoons shall be removed and properly disposed. If soil samples performed at a later date indicate that removal is necessary, the Department will require that it be removed.

Response to (26)

This comment indicates a serious misunderstanding of the requirements of this permit. If the lagoons are no longer used, the "environmental protection device" is not needed. The existence of lagoons which contain sludge, liquids and contaminated soils represent an actual and/or potential discharge to ground water. In fact, after the removal of the sludge, the liner may represent a much greater actual discharge to ground water. Also, the underlying soil represents a potential, if not an actual, discharge to ground water. After removal of any contaminated soil, the lagoon area will need to be filled with clean fill and regraded to prevent ponding.

Response to (27)

It is the permittee's responsibility to determine all the information required in Special Condition 13. d. This information is required at all sites that have ground water contamination similar in nature and degree as that which exists at Hatco. If Hatco cannot provide this information there are

DR002213

other more adversarial regulatory means by which the Department may obtain this information.

Response to (28)

Please refer to the response to (26). Soil borings shall be performed after the liner is removed.

Response to (29)

If Hatco has written verification of a Department approval of the lagoon closure plan, it should be submitted along with the information required in Special Condition 23. If buried sludge remains on-site it shall be removed and soil samples performed to determine if removal of contaminated soil is required. Also, if soil borings and other information indicate that all sludge was removed during the alleged closure but it is determined that the method of closure has caused ground water contamination and represents an ongoing potential discharge to ground water, the Department will require additional remedial measures to be implemented.

Response to (30)

Please refer to the Introduction to this response and to the response to (9). The waterway, natural or manmade, represents an actual and/or potential discharge to ground water and must be lined or alternatively, the storm water must be treated prior to discharge to the waterway.

Response to (31)

This analysis is needed to assess the possible extent of contamination that may have originated from the operation of the facility. Existing data indicates that constituents in the lagoons may be present in the stream. The nature, extent, chemicals of concern and velocities of the pollutant migration must be determined and submitted to the Department by Hatco.

Response to (32)

The requirements of this condition are specific and should leave no misunderstanding as to Hatco's specific obligations. Hatco shall identify all discharges originating from the facility and identify where and how contaminants enter the waste streams. The Department must not and cannot have any doubt that "some where, some flow is missed". A regulated facility must be able to

DR002214

identify all discharges. Without this information, a discharge permit will be denied and the facility will not be permitted to operate. Considering the nature of the constituents contained in the discharges, the statement that some flow can be "missed" is totally unacceptable to the Department.

In regard to the sampling parameters, when Hatco submits the required information relative to the contaminants contained in the discharges, the Department will be willing to discuss modifications to the sampling parameters included in the permit. Considering the numerous various constituents found in the sludge in the lagoons, there is substantial evidence to suggest that many of the parameters included in the permit will, in fact be found in the discharges. Without the additional information which the Department has required Hatco to submit, the Department has no acceptable alternative but to sample for a wide range of parameters. Based on analytical results previously obtained by the Department, the Department has concluded that there is a significant potential threat to the public health and safety and the environment associated with the activities conducted at the Hatco facility.

Response to (33)

This appears to be a misunderstanding by Hatco of the permit requirements. Special Condition 23 includes requirements for the submission of information on the closure of the abandoned lagoons not the active emergency lagoons.

Response to (34)

Please refer to the response to (18). Also, please be reminded that Hatco is afforded the full opportunity to comment on the draft permit and request an adjudicatory hearing on the final permit. The issuance of the permit is in accordance with the Administrative Procedure Act N.J.S.A. 52:14B-1 et seq.

Response to (35)

A more specific comment is needed before the Department can respond to this statement.

Response to (36)

Section 6.1 (a) 3. of the NJPDES regulations includes a provision that the permittee may request in writing that monitoring requirements may be relaxed after the first year of permit

DR002215

issuance. This provision should satisfy the concerns expressed in this comment.

Response to (37)

The Department concurs. Well locations will be determined in the field.

Response to (38)

Please refer to the introduction to this response. It is Hatco's responsibility to review this information if Hatco feels that such is necessary.

Response to (39)

The initial monitoring data obtained in accordance with the Administrative Consent Order and information the Department obtained from other downgradient sources together comprise a factual basis for requiring additional wells and possible remedial action. Also, the analysis of sludge contained in the lagoons indicates a substantial environmental and health threat which warrants additional sampling as well as other Department requirements.

Response to (40)

The permit does not mandate a methodology for closure of the lagoons. The permit requires that a methodology which includes all technical aspects of closing the lagoons be developed and submitted for Department approval within 90 days EDP. Special Condition 13 has been modified to include that an implementation time table be included with the closure plan.

Response to (41)

The permit is issued final and requires the following:

- Installation of downgradient monitoring wells
- Sampling of discharges and ground water
- Submission of a soil boring plan to identify abandoned lagoons
- Submission of a closure plan for active lagoons
- Submission of designs for new impoundments
- Installation of an impermeable liner in the storm water water way
- Analyses of Crows Mill Creek

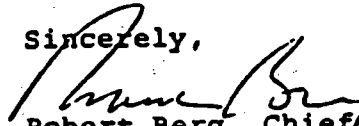
DR002216

submission of information on closure of abandoned
lagoons

These activities shall be performed within the required time frames. Also, the soil boring plan and closure plan will be reviewed for technical adequacy and the acceptability of time frames for implementing and completing the activities included.

It is the Departments opinion that the above items can be completed within the stated time frames. If Hatco complies with these requirements, concerns over potential civil and criminal liability may no longer be relevant. The Department will not accept extended delays which may result from data accumulation and/or protracted delays resulting from the submission of reports or the interpretation of their results in lieu of Hatco's compliance with the statutory and regulatory requirements.

Sincerely,


Robert Berg, Chief
Bureau of Ground Water
Quality Management

WQM170

cc: Paul Harvey, Central Enforcement
Kevin Moynahan, ORS
Nathan M. Edelstein

DR002217

FACT SHEET
FOR THE NJPDES PERMIT TO DISCHARGE
INTO THE GROUND WATERS OF THE STATE

Name and Address of Applicant:

Hatco Chemical Corporation
King George Post Road
Fords, New Jersey 08863

Name and Address of Facility Where Discharge Occurs:

Hatco Chemical Corporation
King George Post Road
Fords, New Jersey 08863
Woodbridge, Middlesex County
Lot No. 100A, 1B1 Block No. 67, 60

Receiving Water:

Ground water of the state. The discharge is to the Farrington Sand unit of the Raritan Formation of Late Cretaceous Age. This formation consists mainly of dense fine to medium sands with lenses of clay and silt.

Description of Facility:

The facility at Hatco Chemical Corporation is involved in the production of synthetic lubricants and plasticizers. Two main production areas include an ester production area and an amino acid production area.

Description of Discharge:

The discharge from the ester production area consists of sodium salts of raw material acids and small quantities of products and raw materials. Discharges from the amino acid production area consists of sodium chloride, sodium salt amino acids and small quantities of products and raw materials. Sludge accumulated in the lagoons as a result of current and past discharges contains high concentrations of phthalate esters, PCB's and volatile organics.

Effluent from production areas is combined with contaminated storm water runoff and discharged directly to the Middlesex County Utilities Authority. Storm water from chemical storage and loading areas is collected in an unlined waterway and directed to a sump and pumped to a manhole where it is combined with plant effluent. During periods of heavy rainfall, the pipeline to the MCUA cannot handle the combined discharge and

DR002218

storage outside the system in the lagoons is required. Another condition causing storage in the lagoons would include a disruption in the pipeline leading to the MCUA. This would require storage of the combined effluent until the situation was resolved. A third situation where storage in the lagoons is required is as secondary containment in the event of a major spill in conjunction with the DPCC plan.

The Department requires that the two existing lagoons be closed as per special condition number 13, and that new surface impoundments be constructed that incorporate double synthetic liners with a leak detection system.

Permit Conditions:

According to the attached General and Specific Conditions.

DR002219



SCALE 1:24000

DR0024750

1926



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
CN 402
Trenton, N.J. 08625



PERMIT

The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachment accompanying same application, and applicable laws and regulations. This permit is also subject to the further condition and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. NJ# 0051551	Issuance Date May 1, 1987	Effective Date June 1, 1987	Expiration Date May 31, 1992
Name and Address of Applicant Hatco Chemical Company King George Post Road Fords, NJ 08863	Location of Activity/Facility Hatco Chemical Company Woodbridge, Middlesex County	Name and Address of Owner SAME AS APPLICANT	
Issuing Division WATER RESOURCES	Type of Permit NJPDES-DGW	Statute(s) N.J.S.A. 58:10A-1 et seq.	Application No.

This permit requires Hatco to monitor the discharge to ground water of the state via two emergency storage basins that are classified as infiltration/percolation lagoons. The basins currently receive a combination of process effluent and contaminated storm water runoff. This permit requires Hatco to discontinue using the lagoons and to remove all contaminated soil from the site. Other actual or potential discharges to ground water include an unlined water way and sump used to collect storm water from chemical storage and loading areas, and at least six abandoned lagoons on the property. All potential discharges to ground water are subject to special conditions contained in this permit.

This permit requires the installation of additional monitor wells to establish adequate ground water monitoring and determine the impact of past and present activities conducted at the facility on ground water. Based on data generated by the issuance of this permit the Department may require the permittee to reduce the quantity of discharge, upgrade or install treatment facilities, conduct ground water decontamination procedures and or cease discharges to ground waters of the state.

Effective
Date
June 1
1987

DR002221

Approved by the Department of Environmental Protection
BY AUTHORITY OF:
GEORGE G. McCANN, ACTING DIRECTOR, P.E.
DIVISION OF WATER RESOURCES


ARNOLD SCHIFFMAN, ADMINISTRATOR
WATER QUALITY MANAGEMENT

DATE

CHECKLIST OF PARTS AND MODULES COMPRISING THIS NJPDES PERMIT

1. Cover Page
2. Checklist
3. Part I (General Conditions for All NJPDES Discharge Permits)
4. Part II - Additional General Conditions for the types of NJPDES Permits checked as follows:

☐ Part II - A (Municipal/Sanitary)
☐ Part II - B/C (Industrial/Commercial/Thermal)
☐ Part II - L (SIU)
☐ Part II - IWMF (Industrial Waste Management Facility)
☒ Part II - DGM Specify type(s): Industrial Discharges by
Infiltration/Percolation Lagoons

5. Part III - Effluent Limitations and Monitoring Requirements

☐ Part III - A
☐ Part III - B/C
☐ Part III - L
☒ Part III - DGM Specify type(s): Ground Water Monitoring Requirements
and Limitations
Discharge Limitations and
Monitoring Requirements

6. Part IV - Special Conditions

☐ Part IV - A
☐ Part IV - B/C
☐ Part IV - L
☐ Part IV - IWMF
☒ Part IV - DGM Specify type(s): _____

DR002222

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCES

GENERAL CONDITIONS FOR ALL NJPDES DISCHARGE PERMITS

1. Duty to Comply

- A. The permittee shall comply with all conditions of this New Jersey Pollutant Discharge Elimination System (NJPDES) permit. No pollutant shall be discharged more frequently than authorized or at a level in excess of that which is authorized by the permit. The discharge of any pollutant not specifically authorized in the NJPDES permit or listed and quantified in the NJPDES application shall constitute a violation of the permit, unless the permittee can prove by clear and convincing evidence that the discharge of the unauthorized pollutant did not result from any of the permittee's activities which contribute to the generation of its wastewaters. Any permit noncompliance constitutes a violation of the New Jersey Water Pollution Control Act (N.J.S.A. 58:14A-1 et seq.) hereinafter referred to as the State Act) or other authority of the NJPDES regulations (N.J.A.C. 7:14A-1 et seq.) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- B. A permittee shall not achieve any effluent concentration by dilution. Nor shall a permittee increase the use of process water or cooling water or otherwise attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve permit limitations or water quality standards.
- C. The permittee shall comply with applicable effluent standards or prohibitions established under Section 307 (a) of the "Federal Water Pollution Control Act" (PL 92-500 et seq.) hereinafter referred to as the Federal Act) and Section 4 of the State Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- D. The State Act provides that any person who violates a permit condition implementing the State Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing the State Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.
- E. The permittee is required to comply with all other applicable federal, state and local rules, regulations, or ordinances. The issuance of this permit shall not be considered as a waiver of any other requirements.

2. Permit Expiration

This permit and the authorization to discharge shall expire at midnight on the expiration date of the permit. The permittee shall not discharge after the above date of expiration of the permit.

- A. Duty to Reapply. If the permittee wishes to continue an activity regulated by a NJPDES permit after the expiration date of the permit, the permittee shall apply for and obtain a new permit. (If the activity is to be continued, the permittee shall complete, sign, and submit such information, forms, and fees as are required by the Department no later than 180 days before the expiration date.) The permittee shall follow the requirements stated in paragraph 12.A. when signing any application.

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B. Continuation of Expiring Permits

- (1) The conditions of an expired permit are continued in force pursuant to the "Administrative Procedure Act," N.J.S.A. 52:14B-11, until the effective date of a new permit if:
 - a. The permittee has submitted a timely and complete application for renewal as provided in Sections 2.1 and (3.2 DSW) (4.4 IHMF) (5.8 UIC) and Subchapter 10 of the NJPDES Regulations; and
 - b. The Department through no fault of the permittee, does not issue a new permit with an effective date under Section 8.6 of the NJPDES Regulations on or before the expiration date of the previous permit (e.g., when issuance is impracticable due to time or resource constraints).
- (2) Permits continued under this section remain fully effective and enforceable.
- (3) Enforcement. When the permittee is not in compliance with the conditions of the expiring or expired permit the Department may choose to do any or all of the following:
 - a. Initiate enforcement action based upon the permit which has been continued;
 - b. Issue a notice of intent to deny the new permit under Section 8.1 of the NJPDES Regulations. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;
 - c. Issue a new permit under Subchapters 7 and 8 of the NJPDES Regulations with appropriate conditions; or
 - d. Take other actions authorized by the NJPDES Regulations or the State Act.

3. Duty to Halt or Reduce Activity

- A. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- B. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or discharges or both until the facility is restored to its permitted limits or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost.

4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit, including but not limited to accelerated and/or additional types of monitoring, temporary repairs or other mitigating measures.

5. Proper Operation, Maintenance and Licensing

- A. The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment works, facilities, and systems of treatment and control (and related appurtenances) for collection and treatment which are installed or used by the permittee for

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water pollution control and abatement to achieve compliance with the terms and conditions of the permit. Proper operation and maintenance includes but is not limited to effective performance based on designed facility removals, adequate funding, effective management, adequate operator staffing and training and adequate laboratory and process controls including appropriate quality assurance procedures as described in 40 CFR Part 136 and applicable State law and regulations. All permittees who operate a treatment works, except for sanitary landfills and land application of sludge or septage, must satisfy the licensing requirements of the "Licensing of Operators of Wastewater and Water Systems" N.J.S.A. 58:11-64 et seq. or other applicable law. This paragraph requires the operation of back-up or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit or where required by applicable law or regulation.

- B. Facilities Operation and Operator Certification. The operation of any treatment works shall be under the supervision of an operator on the first day of operation of the treatment works and continually thereafter in accordance with paragraph 5.A above. The operator shall meet the requirements of the Department of Environmental Protection of the State of New Jersey pursuant to the provisions of N.J.S.A. 58:11-64 et seq. and amendments thereto. The name of the proposed operator shall be submitted to this Department in order that his qualifications may be determined prior to initiating operation of the proposed treatment works.

6. Permit Actions

- A. This permit may be modified, suspended, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- B. Causes for modification, revocation and reissuance, and suspension are set forth in N.J.A.C. 7:14A-2.12 et seq.
- C. The following are causes for terminating or modifying a permit during its term, or for denying a permit renewal application:
- (1) Noncompliance by the permittee with any condition of the permit;
 - (2) Failure to pay applicable fees (N.J.A.C. 7:14A-1.8), including the annual NJPDES permit fee which has been assessed by the New Jersey Department of Environmental Protection (NJDEP, hereinafter referred to as the Department);
 - (3) The permittee's failure in the application or during the permit issuance process of a National Pollutant Discharge Elimination System (NPDES), Discharge Allocation Certificate (DAC), NJPDES, Treatment Works Approval (TWA) or Construct and Operate permit to disclose fully all relevant facts, or the permittee's misrepresentation of any permit condition;
 - (4) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;
 - (5) When there is a change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit (for example, plant closure or termination of discharge by connection to a Domestic Treatment Works (DTW));
 - (6) The nonconformance of the discharge with any applicable facility, basin or areawide plans;

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- (7) If such permit is inconsistent with any duly promulgated effluent limitation, permit, regulation, statute, or other applicable state or federal law; or
- (8) If a toxic effluent standard or prohibition is established pursuant to New Jersey Water Pollution Control Act N.J.S.A. 58:10A-1 et seq. or the regulations adopted pursuant to it, for a toxic pollutant which is present in the discharge, and such is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified of the revision or modification and date of required compliance.

7. Property Rights, Liability, and Other Laws

- A. This permit does not convey and property rights of any sort or any exclusive privileges.
- B. Nothing in this permit shall be deemed to preclude the institution of any legal action nor relieve the permittee from any responsibilities or penalties to which the permittee is or may be subject to under any federal, state or local law or regulation.
- C. Nothing in this permit shall be construed to exempt the permittee from complying with the rules, regulations, policies, and/or laws lodged in any agency or subdivision in this State having legal jurisdiction.

8. Duty to Provide Information

- A. The permittee shall furnish to the Director, Division of Water Resources, NJDEP, (hereinafter referred to as the Director), within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, suspending, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- B. Where the permittee becomes aware that he has failed to submit any relevant facts in a permit application, or has submitted incorrect information in a permit application or in any report to the Director, the permittee shall promptly submit such facts or information.

9. Inspection and Entry

- A. The permittee shall allow the Regional Administrator of the United States Environmental Protection Agency (USEPA), the Department, or any authorized representative(s), upon the presentation of credentials and other documents as may be required by law, to:
 - (1) Enter upon the permittee's premises where a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept, for purposes of inspection, sampling, copying or photographing. Photography shall be allowed only as related to the discharge;
 - (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - (3) Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - (4) Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the State Act, any substances or parameters at any location. This shall include, but not be limited to, the drilling or installation of monitoring wells for

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the purpose of obtaining samples of ground water, soil and vegetation and measuring ground water elevations.

- B. Any refusal by the permittee, facility land owner(s), facility lessee(s), their agents, or any other person(s) with legal authority, to allow entry to the authorized representatives of the NJDEP and/or USEPA shall constitute grounds for suspension, revocation and/or termination of this permit.
- C. By acceptance of this permit, the permittee hereby agrees, consents and authorizes the representatives of the NJDEP and/or USEPA to present a copy of this permit to any municipal or state police officer having jurisdiction over the premises occupied by the permittee in order to have said officer effectuate compliance with the right of entry, should the permittee at any time refuse to allow entry to said inspectors.
- D. By acceptance of this permit, the permittee waives all rights to prevent inspections by authorized representatives of the NJDEP and/or USEPA to determine the extent of compliance with any and all conditions of this permit and agrees not to, in any manner, seek to charge said representatives with the civil or criminal act of trespass when they enter the premises occupied by the permittee in accordance with the provisions of this authorization as set forth hereinabove.

10. Ground Water Monitoring Wells

The permittee shall install and maintain ground water monitoring wells if required by this permit at locations and according to specifications provided by the Department. All permit required monitoring wells shall be installed within 30 days of the Effective Date of the Permit. The monitoring wells shall provide turbidity-free water at a minimum rate of two gallons per minute or what the formation will yield with a properly installed and developed ground water monitoring well.

When a monitoring well cannot be used for the purpose of sample collection or ground water level measurements, the permittee shall replace the well at his own expense within 30 days of the missed sampling and/or measurement date. Said unuseable wells shall be sealed, also at the permittee's own expense, in accordance with Department well sealing specifications within the same 30 day period in which the well is replaced. Monitoring wells as required in this permit shall be considered as a monitoring device, which are required to be maintained under the provisions of the New Jersey Water Pollution Control Act N.J.S.A. 14:10A-10(f).

All monitoring wells must be installed by a New Jersey licensed well driller. The elevation to the nearest hundredth of a foot of the top of each well casing shall be established by a New Jersey licensed land surveyor within 30 days of the installation of the monitoring wells. The elevation established shall be in relation to the New Jersey geodetic control datum. Ground water monitoring wells and all point source discharges to ground water shall be located by horizontal control (latitude and longitude) using third order work, class II specification and by vertical control (elevation) using third order work. Within 30 days of the installation date of the monitor well, the permittee shall submit to the Department completed "Ground Water Monitoring Well Certifications - Forms A and B for each well required to be sampled by the permit. Within 60 days of the Effective Date of the Permit, the permittee shall submit to the Department a plot plan of the facility showing the location of all discharges and the ground water monitoring well locations. The scale of the plot plan shall be at least one inch equals fifty (50) feet.

Each ground water monitoring well casing shall have permanently affixed to it a monitoring well number to be assigned by the Department, elevation of the top of the well casing, elevation of the top of the well casing above the ground level and latitude and longitude of the monitoring well.

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11. Monitoring and Records

- A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- B. The State Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of no more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both. This is specifically intended to include, but not be limited to, ground water monitoring wells and lysimeters.
- C. The applicant shall perform all analyses in accordance with the analytical test procedures approved under 40 CFR Part 136. Where no approved test procedure is available, the applicant must indicate a suitable analytical procedure and must provide the Department with literature references or a detailed description of the procedure. The Department must approve the test procedure before it is used. The laboratory performing the analyses for compliance with this permit must be approved and/or certified by the Department for the analysis of those specific parameters. Information concerning laboratory approval and/or certification may be obtained from:

New Jersey Department of Environmental Protection
Office of Quality Assurance
ON 409
Trenton, New Jersey 08625
(609) 292-3950

- D. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.
- E. Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
- F. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) and/or on the Department's Monitoring Report Form (MRF); or, where these forms do not apply, in another format approved by the Department.

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- G. If the permittee monitors any pollutant more frequently than required by the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR, MRF, or other approved format.
- H. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

I. Discharge Monitoring Reports

- (1) Monitoring results shall be summarized and reported on the appropriate Monitoring Report Forms following the completed reporting period. Signed copies of these, and all other reports required herein, shall be submitted to the following address:

Water Quality Management
Division of Water Resources
CN 029
Trenton, New Jersey 08625
ATTN: Monitoring Reports

- (2) If a contract laboratory is utilized, the permittee shall submit the name and address of the laboratory and the parameters analyzed at the time it submits its monitoring reports (See Section 11.E. above). Any change in the contract laboratory being used or the parameters analyzed shall be reported prior to or together with the monitoring report covering the period during which the change was made.
- J. Monitoring Reports. Monitoring results shall be reported at the intervals and starting date specified elsewhere in this permit.
- K. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

12. Signatory Requirement

- A. Signature Requirements. All permit applications, except those submitted for Class II wells for a UIC discharge (see paragraph B) shall be signed as follows:
- (1) For a corporation, by a principal executive officer of at least the level of vice president;
- (2) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
- (3) For a municipality, state, federal or other public agency, by either a principal executive officer or ranking elected official.
- B. Reports. All reports required by permits, other information requested by the Department and all permit applications submitted for Class II wells under N.J.A.C. 7:14A-5.8 shall be signed by a person described in paragraph A of this section or by a duly authorized representative only if:
- (1) The authorization is made in writing by a person described in paragraph A of this section;

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(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as a position of plant manager, operator of a well or well field, superintendent or person of equivalent responsibility; and

(3) The written authorization is submitted to the Department.

C. Changes to Authorization. If an authorization under paragraph B of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B of this section shall be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification (N.J.A.C. 7:14A-2.4(d)). Any person signing any document under paragraph A or B of this section shall make the following certification: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

E. False Statements. Any person who knowingly makes a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under the State Act shall upon conviction, be subject to a fine of not more than \$10,000.00 or by imprisonment for not more than 6 months or by both.

13. Reporting Changes and Violations

A. Planned Changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. The permittee shall comply with N.J.A.C. 7:14A-12.1 et seq. which requires approval for building, installing, modifying, or operating treatment works. (NOTE: Sewer Extensions require such an approval. A connection of a single building through which less than 2000 gpd flows by gravity through a single lateral is exempt from the requirement to obtain the approval of this Department.). Construction of a sewer extension without this Department's approval will be a violation of this permit.

B. Anticipated Noncompliance. The permittee shall give reasonable advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

14. Reporting Noncompliance

A. The permittee shall report any noncompliance which may endanger health or the environment. The permittee shall provide the Department with the following information:

(1) A description of the discharge;

(2) Steps being taken to determine the cause of noncompliance;

(3) Steps being taken to reduce and eliminate the noncomplying discharge;

(4) The period of noncompliance, including exact dates and times. If the noncompliance has not been corrected, the anticipated time when the discharge will return to compliance;

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- (5) The cause of the noncompliance; and
 - (6) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.
- B. The permittee shall orally provide the information in paragraphs A.(1) through (3) to the DEP Hotline (609) 292-7172 within 2 hours from the time the permittee becomes aware of the circumstances.
- C. The permittee shall orally provide the information in paragraphs A.(4) through (5) to the DEP Hotline within 24 hours of the time the permittee becomes aware of the circumstances.
- D. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain the information in A.(1) through (6).
- E. Other Noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs 11.J, 11.K, 13.A, and 14.A through D at the time monitoring reports are submitted. The reports shall contain the information required in the written submission listed in paragraph 14.D.
- F. The following shall be reported to the Department in accordance with paragraphs 14.A through D:
- (1) In the case of any discharge subject to any applicable toxic pollutant effluent standard under Section 307(a) of the Federal Act or under Section 6 of the State Act the information required by paragraphs 14.A(1) through (3) regarding a violation of such standard shall be provided to the Department within 2 hours from the time the permittee becomes aware of the circumstances. The information required by paragraphs 14.A(4) through (6) shall be provided to the Department within 24 hours from the time the permittee becomes aware of the circumstances. Where the information is provided orally, a written submission covering these points must be provided within five working days of the time the permittee becomes aware of the circumstances covered by this paragraph.
 - (2) In the case of other discharges which could constitute a threat to human health, welfare, or the environment, including but not limited to, discharge of pollutants designated under Section 311 of the Federal Act, under Section 6 of the State Act, under the "Spill Compensation and Control Act", N.J.S.A. 58:10-23.11 et seq., or under the "Safe Drinking Water Act", N.J.S.A. 58:12A-1 et seq., the information required by paragraph 14.A(1) through (3) shall be provided to the Department within 2 hours from the time the permittee becomes aware of the circumstances. The information required by paragraphs 14.A(4) through (6) shall be provided to the Department within 24 hours from the time the permittee becomes aware of the circumstances. Where the information is provided orally, a written submission covering these points must be provided within five working days of the time the permittee becomes aware of the circumstances covered by this paragraph.
 - (3) The information required in paragraphs 14.A(1) through (3) shall be provided to the Department within 2 hours where a discharge described under paragraphs 14.F(1) or (2) is located upstream of a potable water intake or well field. The information required by paragraphs 14.A(4) through (6) shall be provided to the Department within 24 hours. If this information is provided orally, a written submission covering these points must be provided within five days of the time the permittee becomes aware of the discharge.
 - (4) Any bypass which violates any effluent limitations in the permit shall be reported within 24 hours unless paragraphs 14.F(1) through (3) are applicable. (See Section 15.)

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- (5) Any upset which violates any effluent limitation in the permit shall be reported within 24 hours unless paragraphs 14.F(1) through (3) are applicable. (See Section 16.)
- (6) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit shall be reported within 24 hours unless paragraphs 14.F(1) through (3) are applicable (See N.J.A.C. 7:14A-3.13(a)7.).

15. Bypass

A. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs B. and C. of this section.

B. Notice

- (1) Anticipated Bypass. If the permittee knows in advance of the need for a bypass, he shall submit prior notice, if possible, at least thirty (30) days before the date of the bypass.
- (2) Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph 14.F.(4).

C. Prohibition of Bypass

- (1) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The permittee submitted notices as required under paragraph B of this section.
- (2) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph C.(1) of this section.

16. Upset

A. Effect of An Upset. An upset may constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph B. of this section are met. Where no determination was made during administrative review of claims that noncompliance was caused by upset, and there has been no Departmental action for noncompliance, the lack of such determination is final administrative action subject to judicial review.

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B. Conditions Necessary for A Demonstration of Upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated;
- (3) The permittee submitted notice of the upset as required in paragraph 14.F.(5); and
- (4) The permittee complied with any remedial measures required under Section 4 above.

C. Burden of Proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

17. Emergency Plan (DSW and DGN permits only)

A. The permittee shall develop, submit, and implement an Emergency Plan report prepared in accordance with N.J.A.C. 7:14A-3.12(b) unless exempted pursuant to N.J.A.C. 7:14A-3.12(e). If not previously submitted to and approved by NJDEP, the Emergency Plan (or a request for exemption) must be submitted within six (6) months of the effective date of the permit unless otherwise required by N.J.A.C. 7:14A-3.12(a).

B. Liability

- (1) Submission of an Emergency Plan pursuant to this section shall not exempt a permittee from liability for violations arising from an emergency situation. A permittee shall take all necessary actions to mitigate the damage to the waters of the State arising from an emergency situation. Such actions shall not be limited by the emergency operating plan and the manual of procedures.
- (2) Exemption from development of an Emergency Plan under this section does not exempt the permittee from liability for violations arising from an emergency situation. Such permittee shall take all necessary actions to mitigate the damage to the waters of the State arising from an emergency situation.

C. Violations

Failure to submit an emergency plan in compliance with paragraph A. of this section and failure to implement the emergency plan shall each constitute a violation of this permit.

18. Residuals Management

A. Collected grit and screenings, scums, sand bed sands, slurries, and sludges, and all other solids from the treatment process shall be disposed of in such a manner as to prevent such materials from entering the ground and/or surface waters of the state except in accordance with a NJPDES permit. If for any reason such materials are placed in the water or on the lands where they may cause pollutants to enter the ground and/or surface waters of the State, the following information shall be reported to the Division of Water Resources Enforcement Element together with the monitoring data required in Part I, Section 11.I.:

- (1) Dates of occurrence;
- (2) A description of the noncomplying discharge (nature and volume);
- (3) Cause of noncompliance;
- (4) Steps taken to reduce and eliminate the noncomplying discharge; and

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(5) Steps taken to prevent recurrence of the condition of noncompliance.

- B. The permittee shall not be permitted to store sludge on-site beyond the capacity of the structural treatment and storage components of the treatment facility, except in accordance with a NJPDES Emergency On-site storage Permit. Nor shall the permittee be permitted to store sludge on-site in any manner which is not in accordance with Solid Waste Management Rules, N.J.A.C. 7:26-1 et seq. Any violations must be reported by the permittee to the Division of Water Resources Enforcement Element within 24 hours.
- C. The permittee shall comply with the Sludge Quality Assurance Regulations (N.J.A.C. 7:14-4.1 et seq.). Where quality information is required by these regulations analyses must reflect the quality of the final sludge product of which the permittee must dispose.
- D. The permittee shall dispose of sludge from this facility in compliance with the New Jersey Solid Waste Management Act N.J.S.A. 13:1E-1 et seq., which requires conformance with Statewide and District Sludge Management Plans, and prohibits the disposal of municipal sewage sludge in landfills. The permittee shall also comply with all applicable rules and regulations promulgated pursuant to the Federal Resource Conservation and Recovery Act governing the treatment, storage and disposal of hazardous waste.
- E. The permittee shall at all times have on file with the Department proof of proper disposal at a facility duly licensed and permitted by the State to dispose of sludge. To satisfy this requirement the permittee shall submit proof of ownership or contractual arrangement with a permitted facility for the composting, land application, thermal reduction, or other approved method of sludge disposal.

Where such permitted sludge disposal does not extend the full term of this permit, the permittee shall submit similar proof of new permitted disposal arrangements which shall become effective no later than the expiration date of previous arrangements. All such proofs of disposal site must be submitted to the Bureau of Permits Administration in duplicate to:

Chief
Bureau of Permits Administration
CN-029
Trenton, N.J. 08625
ATTN: Sludge Disposal Site Proof

- F. By issuance of this permit the Department hereby gives the permittee notice that the permittee is bound by the New Jersey Pollutant Discharge Elimination System regulations regarding proper sludge disposal (Section 25 (a)13.).

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- G. The permittee shall comply with the Rules and Regulations for the Statewide Management of Septage Disposal (N.J.A.C. 7:14-5.1 et seq.).
- H. The permittee shall conform with the requirements under Section 405 of the Federal Act governing the disposal of sewage sludge from publicly owned treatment works and with Sections 4 and 6 of the State Act.

19. Discharge Permitted

The permittee shall discharge to surface waters, land or ground waters of the State, directly or indirectly, only as authorized herein and consistent with the terms and conditions of this permit.

20. Operation Restrictions

The operation of a waste treatment or disposal facility shall at no time create: (1) a direct discharge to surface waters of the State, except as authorized by NJDEP; (2) a persistent standing or ponded condition for water or waste on the permittee's property except as specifically authorized by this permit, or (3) any standing or ponded condition for water or waste on adjacent properties unless these activities are specifically included within the permit.

21. Oil and Hazardous Substance Liability

The imposition of responsibilities upon, or the institution of any legal action against the permittee under Section 311 of the Federal Act shall be in conformance with regulations promulgated pursuant to Section 311 of the Federal Act governing the applicability of Section 311 to discharges from facilities with NPDES permits.

22. Reopener Clause for Toxic Effluent Limitations

Notwithstanding any other condition of this permit, if any applicable toxic effluent standards, limitation or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Federal Clean Water Act or Sections 4 or 6 of the State Act for a toxic pollutant and that effluent standard, limitation, or prohibition is more stringent than any limitation on the pollutant in the permit (or controls a pollutant not limited in the permit), this permit shall be promptly modified or revoked and reissued to conform to that effluent standard, limitation or prohibition.

23. Availability of Information

- A. NPDES permits, effluent data, and information required by NPDES application forms provided by the Regional Administrator or Director (including information submitted on the forms themselves

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and any attachments used to supply information required by the forms) shall be available for public inspection at the offices of the Director.

- B. In addition to the information set forth in paragraph A., any other information submitted to EPA and/or the Department in accordance with the conditions of this permit shall be made available to the public without further notice unless a claim of business confidentiality is asserted at the time of submission in accordance with the procedures in 40 CFR Part 2 (Public Information) and/or Subchapter 11 of the "Regulations Concerning the New Jersey Pollutant Discharge Elimination System."
- C. If a claim of confidentiality is made for information other than that enumerated in paragraph A., the information shall be treated by the Department in accordance with the procedures in N.J.A.C. 7:14A-11.1 et seq. Only information determined to be confidential under those procedures shall not be made available by NJDEP for public inspection.

24. Effective Date of Permit

- A. This permit shall become effective in its entirety on the date indicated (Effective Date) on the first page of this permit unless a request for an adjudicatory hearing is granted pursuant to the provisions of N.J.A.C. 7:14A-8.11 et seq.
- B. For purposes of judicial review, final agency action on a permit does not occur unless and until a party has exhausted its administrative remedies under N.J.A.C. 7:14A-8.9 et seq. Any party which neglects or fails to seek such review thereby waives its opportunity to exhaust available agency remedies.

25. Transfer of Permit

- A. This permit is not transferable to any person except after notice to the Department. The Department may require modification, revocation, or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the appropriate Act. (See N.J.A.C. 7:14A-2.12; in some cases, modification or revocation and reissuance is mandatory).
- B. Transfer by Modification. Except as provided in paragraph (C) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under Section 2.12(c)(1).ii.) or a minor modification made (under Section 2.14(a)4. of the NJPDES Regulations), to identify the new permittee and incorporate such other requirements as may be necessary under the State and Federal Acts.
- C. Automatic Transfers. As an alternative to transfers under paragraph (B) of this section, any NJPDES permit, except a UIC permit for a well injecting hazardous waste, may be automatically transferred to a new permittee if:
 - (1) The current permittee notified the Department in writing by certified mail of the proposed transfer as follows:
 - a. Where production levels, products produced, rates of discharge, and wastewater characteristics will remain unchanged, the following information shall be submitted at least 90 days prior to a proposed transfer date:
 - (1) Name and address of current facility;
 - (2) Name and address of new owners;

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- (3) NJPDES permit number;
- (4) Names of the new principal persons responsible;
- (5) Names of persons upon whom legal process can be served; and
- (6) A notarized statement signed by the new principal officer stating that he has read the NJPDES permit and agrees to abide by all the conditions of the permit and that the production levels, products produced, rates of discharge, and wastewater characteristics will remain unchanged.

b. Where there will be a change in production levels, products produced, rates of discharge, or wastewater characteristics, the information required in paragraph 25.C(1)(a) above shall be submitted at least 180 days prior to a proposed transfer date.

- (2) The current permittee shall include in the notice of proposed transfer a written agreement between the existing and new permittee which includes a specific date for transfer of permit responsibility, coverage, and liability between the parties. In the case of a UIC permit, the notice shall demonstrate that the financial responsibility requirements of Section 5.10(a)7. of the NJPDES Regulations will be met by the new permittee;
- (3) The Department does not notify the existing permittee and the proposed new permittee, within thirty (30) days of receipt of notice of proposed transfer, of an intent to modify, revoke or revoke and reissue the permit or, for a discharge to surface water (DSW), require a DAC. A modification under this paragraph may also be a minor modification under Section 2.14 of the NJPDES Regulations. If such notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 25.C(2) of this section; and
- (4) Whenever the regulated discharge has ceased prior to the proposed permit transfer, any compliance schedule shall not be automatically reinstated but shall be subject to revision or complete withdrawal if circumstances leading to its imposition have changed.

26. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

27. Stay of Conditions, N.J.A.C. 7:14-8.10

A request for an adjudicatory hearing shall not automatically result in a stay of the conditions of this permit.

28. Definitions

A. Unless otherwise stated, all terms shall be as defined in the "Regulations Concerning the New Jersey Pollutant Discharge Elimination System", N.J.A.C. 7:14A-1 et seq.

- (1) "Aliquot" means a sample of specified volume used to make up a total composite sample.
- (2) "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.

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- (3) "Composite" means a combination of individual (or continuously taken) samples (aliquots) of at least 100 milliliters, collected at periodic intervals over the entire discharge day. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically. For a continuous discharge, a minimum of 24 aliquots (at hourly intervals) shall be collected and combined to constitute a 24-hour composite sample. For intermittent discharges of more than 4 hours duration, aliquots shall be taken at a minimum of 30-minute intervals. For intermittent discharges of less than 4 hours duration, aliquots shall be taken at a minimum of 15-minute intervals.
- (4) "EDP" means Effective Date of Permit.
- (5) "Grab" means an individual sample of at least 100 milliliters collected over a period not exceeding 15 minutes.
- (6) "Monthly" means one day each month (the same day each month) and a normal operating day (e.g., the 2nd Tuesday of each month).
- (7) "Multiple Grab Composite" - means a combination of individual samples (aliquots) collected at a specified frequency over a specified time period. Each aliquot must be collected in a glass vial with septum cap, filled to the top leaving no air bubbles, and iced until delivered for analysis. Each aliquot shall be analyzed individually. The recorded value will be flow proportioned average of the individual analyses for the specific time period.
- (8) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- (9) "Weekly" means every seventh day (the same day each week) and a normal operating day.

29. Annual Permit Fee, N.J.A.C. 7:14A-1.8

The permittee shall pay the annual NJPDES permit fee which has been assessed by the Department.

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ADDITIONAL GENERAL CONDITIONS FOR INDUSTRIAL DISCHARGES
BY INFILTRATION-PERCOLATION LAGOONS

I. Construction Requirements

A. General Requirements

1. The infiltration-percolation lagoon(s) shall be designed, constructed, maintained and operated to prevent overtopping resulting from normal or abnormal operations, overfilling, wind and wave action, precipitation, run-on and run-off, malfunctions of level controllers, alarms and other equipment and human error.
2. All infiltration-percolation lagoons shall be fenced to prevent unauthorized access or entry.
3. For all new infiltration-percolation lagoons, when flow is to, from or between lagoons, all interconnections shall be piped or lined with an impervious material which will prevent degradation of the lagoon banks, dikes or bottom. All flow shall be directed along the longest axis of the lagoon(s).
4. For new construction, all piping, manholes, outfalls, etc., must be installed prior to the construction of the foundation, banks or dikes.
5. When computed on a 30 day average, the hydraulic loading to the infiltration-percolation lagoon(s) shall be equal to or less than the saturated hydraulic conductivity (Ksat) for the most restrictive soil horizon within 15 feet of the surface.
6. The infiltration-percolation lagoon(s) shall have banks or dikes that are designed, constructed and maintained with sufficient structural integrity to prevent massive failure of the dikes. For new construction, the structural integrity of the banks or dikes shall be certified by the signature and seal of a New Jersey licensed Professional Engineer. Said certification shall be supplied to the Department prior to the discharge of any pollutants to the infiltration-percolation lagoon.
7. For new construction, immediately after installation of soil-based or admixed foundations,

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banks or dikes, they must be inspected for imperfections including lenses, cracks, channels, root holes or other structural defects that may cause significant non-uniformity in the permeability of the infiltration-percolation lagoon(s). Said significant non-uniformities shall be corrected before pollutants are discharged to the infiltration-percolation lagoon(s).

II. Operation and Maintenance

A. General Requirements

1. The permittee shall perform a physical inspection of all visible portions of the infiltration-percolation lagoon(s) on at least a weekly basis and after storms to:
 - a. Ensure that the foundation, banks and dikes have remained structurally sound;
 - b. Detect evidence of any deterioration, malfunctions or other improper operation of the over-topping control system;
 - c. Detect erosion, undermining or other signs of deterioration in foundation(s), banks, dikes or other containment devices;
 - d. When malfunctions or failures are observed or suspected, the permittee shall comply with Section 14 (Reporting Non-Compliance) in the General Conditions for all NJPDES Permits; and
 - e. The permittee shall report to the Department on at least an annual basis the results of all inspections.
2. The permittee shall submit to the Department on an annual basis within the first quarter of each year a list of all material(s) discharged to the infiltration-percolation lagoon(s).
3. Prior to the removal and disposal of any sludge that has accumulated on the bottom of the infiltration-percolation lagoon(s), the permittee shall at his own expense have an EP Toxicity Test (or other such test as the Department may currently require) performed by a New Jersey

certified laboratory. The results of the EP Toxicity (or other such approved test) shall be forwarded to the Bureau of Hazardous Waste Manifest and Classification of the Division of Waste Management to determine the classification of the sludge. Based on the results of the sludge characterization test(s), the permittee shall dispose of the sludge in a manner approved by the Department.

4. After any repairs are made to the infiltration-percolation lagoon(s) or after any extended period of time (Minimum of 6 months) during which the infiltration-percolation lagoon(s) is (are) not in service, the permittee shall obtain a certification from a qualified New Jersey licensed Professional Engineer that the lagoon banks, foundation and dikes (including that portion of any bank or dike which provide freeboard) have structural integrity. Said certification shall be signed and sealed by the New Jersey licensed Professional Engineer and shall establish in particular that the lagoon(s) will withstand the physical and chemical stresses of resumed operation.

B. Contingency Requirements

1. Within 6 months of the effective date of the permit, the permittee shall develop a worst-case emergency repair plan which shall be submitted to the Department for review and approval. This emergency plan shall include, at a minimum, provisions for such events as the collapse or overrun of a bank or berm, failure of the foundation, or other such event which necessitates the removal of the contents of the lagoon(s). The permittee shall describe in detail the methods by which the contents of the lagoon(s) will be emptied and disposed. This contingency plan shall, upon Department approval, be kept on the facility premises at all times. Further, said plan shall be forwarded to the appropriate local government agencies.
2. When an infiltration-percolation lagoon must be removed from service, the permittee shall immediately shut off the flow or stop the addition of substances to the lagoon, contain any surface leakage which has occurred or is occurring, stop the leak, take any and all necessary steps to stop or prevent catastrophic failure, notify the

Department immediately by telephone at (609) 292-7172 and in writing within 7 days after detecting the problem. If a leak or failure cannot be stopped by any means within 24 hours after detection, the lagoon(s) shall be handled pursuant to the worst-case contingency plan as required in paragraph II.B.1. of these Additional General Conditions.

3. No infiltration-percolation lagoon that has been removed from service in accordance with the requirements of this section may be restored to service unless the portion(s) of the lagoon(s) which was (were) failing is repaired.
 - a. If the lagoon(s) was (were) removed from service due to actual or imminent bank or dike failure, the structural integrity shall be certified as required in section II.A.4. (Operation and Maintenance) of these Additional General Conditions for Industrial Discharges by Infiltration-Percolation.
 - b. The Department reserves the right to inspect the infiltration-percolation lagoon(s) prior to, during and after repairs are made. If, in the judgement of the Department, the original lagoon system or portions of the system were insufficient or inadequate, the permittee shall install a new upgraded system subsequent to review and approval by the Department.
 - c. An infiltration-percolation lagoon that is to be removed from service shall be closed in accordance with a NJPDES/DGW Closure Post Closure Permit.

C. Closure Requirements

1. The permittee shall, no later than 180 days prior to the anticipated closure of the infiltration-percolation lagoon(s), submit to the Department an application for a NJPDES/DGW Closure-Post Closure permit. Said application shall include and identify all closure and post-closure activities that will be conducted prior to and subsequent to closure of the infiltration-percolation lagoon(s).

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Discharge Sample I01 and I02

Table 1: Discharge Limitations and Monitoring Requirements
The sample shall be taken on the influent to the lagoons or surface impoundments at a point downstream of or within the manhole where the storm water and plant effluent combine. Discharge sample I01 shall be designated as the input to the west lagoon and I02 shall be designated as the input to the east lagoon. All sampling shall be performed according to the methodology specified in the Department's Field Procedures Manual for Water Data Acquisition.

Parameter	Discharge Limit	Sampling Month *1	Sample Type	Reporting Month
Flow, MGD		N/A	Continuous	Monthly
pH, S.U.	6.0 - 9.0	Monthly	Grab	Monthly
Acid Extractables ug/l	*2	Monthly	Grab	Monthly
Base Neutrals ug/l	*2	Monthly	Grab	Monthly
Pesticides and PCB's	*2	Monthly	Grab	Monthly
Settleable Solids, mg/l		Monthly	Grab	Monthly
Suspended Solids, mg/l		Monthly	Grab	Monthly
Total Dissolved Solids, mg/l	1000 mg/l	Monthly	Grab	Monthly
VO's by GC/MS Scan, ug/l	*2	Monthly	Grab	Monthly

The permittee shall complete the forms required on the "Monitoring Report - Transmittal Sheet" (Form T-VWX-014) which is included as a part of this permit. Failure to submit sampling data on the forms required on the "Monitoring Report - Transmittal Sheet" shall be considered by the Department to be a violation of the permit sampling requirements and may subject the permittee to civil and administrative penalties pursuant to N.J.S.A. 58:10A-10.

It shall be solely the permittee's responsibility to maintain an adequate supply of the required report forms.

NOTES

- *1 During months when no rainfall event requires use of the lagoons or surface impoundments the permittee shall submit an affidavit to the Department confirming that no flow was discharged to the surface impoundments during that month.
- *2 GC/MS scan for organic compounds with a method limit detection of 10 ppb or better for each substance. The discharge limit for the total of all EPA priority pollutants shall be 20 ppb.

GROUND WATER MONITORING REQUIREMENTS AND LIMITATIONS

The permittee shall install five additional ground water monitoring wells and sample a total of twelve monitoring wells according to the schedule below. The five additional monitoring wells shall be designated as MW5S, MW6S, MW7S, MW8S, and MW9S. These wells shall be installed at the locations specified on the attached well location map. All ground water elevations must be determined prior to pumping and sampling the wells.

Sampling of the wells shall be performed according to the methodology specified in Section 6.12 of the NJPDES regulations and the Department's Field Procedures Manual for Water Data Acquisition. The permittee shall sample for all parameters listed below. Sampling shall be performed and reported during the months which are specified for that parameter.

<u>PARAMETER</u>	<u>LIMITATION</u>	<u>SAMPLING MONTH</u>	<u>SAMPLE TYPE</u>	<u>REPORTING MONTH</u>
Elevation of top of monitor well casing with cap removed (to be determined once but reported as indicated)		N/A	N/A	FebMayJulNov
Depth to Water Table from top of casing with cap removed prior to sampling		JanAprJulOct	N/A	FebMayJulNov
Depth to Water Table from original ground level prior to sampling		JanAprJulOct	N/A	FebMayJulNov
Acid Extractables	*1 ppb	Apr Oct	grab	May Nov
Base Neutrals	*1 ppb	Apr Oct	grab	May Nov
Chemical Oxygen Demand (COD)		JanAprJulOct	grab	FebMayAugNov
Pesticides and PCB's	*1 ppb	Apr Oct	grab	May Nov
Total Organic Carbon (TOC)		JanAprJulOct	grab	FebMayAugNov
Total Organic Halogen (TOX or TOH)		JanAprJulOct	grab	FebMayAugNov
Total Volatile Organics by GC/MS	*1 ppb	Apr Oct	grab	May Nov

GROUND WATER MONITORING REQUIREMENTS AND LIMITATIONS - cont'd

NOTES:

- *1 GC/MS scan for organic compounds with a method limit of detection of 10 ppb or better for each substance. The concentration limit for specific organic chemicals shall be that specified in Appendix F of the NJPDES regulations for the 10-6 Cancer Risk, but in no case shall the total concentration for all organic chemicals identified in Appendix F exceed 10 ppb.

The permittee shall complete the forms required on the "Monitoring Report - Transmittal Sheet" (Form T-VWX-014) which is included as a part of this Permit. Failure to submit sampling data on the forms required on the "Monitoring Report - Transmittal Sheet" shall be considered by the Department to be a violation of the Permit sampling requirements and may place the Permittee subject to civil and administrative penalties pursuant to N.J.S.A. 58:10A-10.

It shall be solely the Permittee's responsibility to maintain an adequate supply of the required report forms.

Satisfactory ground water monitoring wells are defined in Section 6.13 of the NJPDES regulations and shall be subject to Departmental approval. If ground water monitoring wells do not meet these standards, they must be replaced with new wells meeting Departmental standards.

A Ground Water Monitoring Well Certification (Forms A and B) shall be completed for each existing and proposed monitoring well. Information for each well must be shown on a separate form. For an existing well, if the information required on the Ground Water Monitoring Well Certification (Forms A and B) cannot be determined or the ground water monitoring well is not adequately constructed to meet the requirements of this Permit, the Department reserves the right to require a replacement well. Criteria to be used by the Department in judging the adequacy of a well will be related to the ability of the well to provide a representative ground water sample at any time of the year specified by the Permit. Any replacement well must be installed within a 10 foot radius of the existing well. Inadequate or damaged existing wells must be properly sealed pursuant to N.J.A.C. 58:4A-4.1. Instructions regarding sealing may be obtained by contacting the Water Allocation Office at (609)984-6831.

Special Conditions for Hatco Chemical Corporation

1. All ground water monitoring wells shall be installed by a licensed New Jersey well driller, pursuant to N.J.S.A. 58:4A-6. A valid New Jersey permit, issued pursuant to N.J.S.A. 58:4A-14, to drill a well must be obtained from the Water Allocation Office, (609) 292-0580 of the Division of Water Resources prior to installation of any ground water monitoring wells. The permittee shall provide the Land Application of Wastewater Section of the Bureau of Ground Water Quality Management minimum of two weeks notification prior to the installation of any ground water monitoring wells required within this permit.
2. All new wells shall be constructed according to the attached Department specifications. All new wells shall be logged using the U.S.D.A. Soil Textural Classification System. For sites where inadequate geological information is available to properly design the well specifications, a Department geologist will finalize the well specifications prior to drilling. Failure to obtain prior Departmental approval may result in disapproval of the wells as constructed and may require new wells to be installed.
3. A ground water monitoring well as required by this permit is a monitoring device under N.J.S.A. 58:10A-10 and as such the permittee is required to maintain the wells in proper working order at all times. The permittee is further required to take any and all reasonable steps necessary to limit public access by constructing fences, barricades, or any other structures or means necessary to restrict access to the ground water monitoring well(s). Said structures shall be maintained to restrict access.
4. The owner or operator shall inspect each ground water monitoring well on a weekly basis for structural integrity and/or damage. The permittee shall maintain a complete inspection record indicating dates of inspection, inspector's name, and conditions observed. These records shall be made available to the Department upon request. Failure to maintain or submit records upon request shall be a violation of the conditions of this permit.
5. If the monitoring wells are damaged or are otherwise rendered inadequate for their intended purpose, the Administrator, Water Quality Management Element, shall be notified within five days in writing indicating:
 - (a) Which wells were damaged or rendered inadequate for their intended use;
 - (b) The cause and extent of damage or the reason for the inadequacy;

- (c) If the sampling schedule as required in this permit will be violated or if the results of the sampling may reasonably become misleading;
- (d) The date that the well will again be operational. Damaged wells must be replaced or repaired within thirty (30) days after the damage has occurred. The wells must be sampled within five (5) days after they have been installed. A replacement well must meet the construction requirements established by the Department. A valid New Jersey well permit is required prior to the installation of the replacement well;
- (e) The next date that the well will be sampled.

Failure to follow these procedures is a violation of this permit and may subject the permittee to the provisions of N.J.S.A. 58:10A-10.

6. The permittee must obtain and analyze samples from the ground water monitoring system as required by this permit pursuant to the NJDEP Field Procedures Manual for Water Data Acquisition and as delineated in N.J.A.C. 7:14A-6.12. A chain of custody record for each sample shall be maintained at the facility and may be requested and/or examined by the Department. The permittee or his/her agent shall evacuate the ground water monitoring well(s) according to the procedures identified in Section 6.12 of the NJPDES regulations no more than four (4) hours prior to sample collection.
7. All samples shall be analyzed by a New Jersey Certified Laboratory. Sampling results shall be reported on forms provided by the Division of Water Resources and attached as Part III of this permit. Information not reported on the above specified forms shall not be deemed to fulfill the reporting requirements of this permit. It shall be the permittee's responsibility to maintain an adequate supply of forms to report ground water monitoring data to the Department.
8. All permit required ground water monitoring wells, piezometers and/or lysimeters shall be installed within 60 days of the Effective Date of the permit.

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9. Within 30 days of the Effective Date of the permit, the permittee shall identify to the Department by written notification all ground water monitoring wells or piezometers installed on the permittee's property during the period in which the permittee owned or had control of the property. The locations of these ground water monitoring wells and/or piezometers shall be shown on a plot plan drawn to a scale suitable to the Department.
10. The permittee shall submit to the Department "Ground Water Monitoring Well Certifications - Forms A and B" for each ground water monitoring well which is required to be sampled in the permit. The Ground Water Monitoring Well Certifications shall be submitted to:

Steve Anderson
NJDEP-Div. of Water Resources
Bur. of Ground Water Quality Management
CN-029
Trenton, NJ 08625

within 90 days of the Effective Date of the permit.

11. The permittee shall sample the ground water monitoring wells in the following order:

1. MW3D	6. MW1D	11. MW8S
2. MW3S	7. MW1S	12. MW9S
3. MW4S	8. MW5S	
4. MW2D	9. MW6S	
5. MW2S	10. MW7S	

12. Within 30 days of the Effective Date of the permit, the permittee shall submit proof to the Department that the permittee has satisfied the requirements of the "Licensing of Operators of Wastewater and Water Systems" (N.J.S.A. 58:11-64 et seq.) and other applicable laws and regulations.
13. This permit requires Hatco to discontinue using the two lagoons and to remove all contaminated soil from the site. A closure plan shall be submitted for Department approval within 90 days of the Effective Date of the permit. The closure plan shall include at a minimum:
 - a. removal and proper disposal of all sludge, clay liner material and liquid contained in the two lagoons. (see special condition #16 for sampling and classification requirements)
 - b. soil borings and soil samples as specified in special condition number 14.
 - c. removal of all contaminated soil.

d. a ground water remediation plan.

A ground water remediation plan shall include at a minimum a proposal to determine the full extent of on-site and off-site ground water contamination and a proposal for ground water decontamination through recovery and treatment of the affected ground water.

e. the closure plan must include provisions to comply with N.J.S.A. 7:27-5.2 (a) et. seq., Prohibition of Air Pollution, and all applicable Federal, State and local regulations, statutes and ordinances.

f. the closure plan shall include a proposed time table for implementation of the above activities.

14. Six soil borings shall be performed in each lagoon and soil samples shall be taken at levels from 0 to 6 inches, 6 to 12 inches, and 18 to 24 inches below the bottom of the lagoons in each boring. Samples from each level shall be composited resulting in 3 samples for analysis from each lagoon. The analysis shall include all parameters in appendix B Tables II and III of the NJPDES regulations.

15. In the interim period prior to construction of the new surface impoundments, this permit allows use of the two lagoons only during the emergency situations specified as: (1) during periods of intense rainfall, (2) during a disruption of the pipeline connection to the MCUA, and (3) as secondary containment in conjunction with the DPCC plan in the event of a major spill. The permittee shall contact the Department immediately after, if not prior to, discharging into the lagoons. Any discharges into the lagoons without notification of the Department shall be a violation of the permit. Any discharges other than that specified under emergency situations shall be a violation of the permit.

16. Prior to sampling and disposal of the sludge and liquid contents of the lagoons, the permittee shall contact the Bureau of Hazardous Waste Classification and Planning, (609) 292-8341, to determine procedures to be followed for sampling and classification of sludge prior to disposal.

17. Within 90 days of the Effective Date of the Permit, the permittee shall submit designs for two new surface impoundments. Surface impoundments shall incorporate a double synthetic liner and leak detection system. The design shall include at a minimum:

a. Cross sections showing the bottom liner and the elevation of the seasonally high water table.

b. Plans showing a method of collecting liquid in the leak detection system. Liquid shall be collected within the

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detection zone (i. e. between the liners) using leachate collection sumps. There shall be no pipes or other contrivances passing through any of the liners.

- c. Cross sections of the double liner system, and all associated engineering details, shall show the slope of the leak detection pipes and the slope of the secondary liner. This slope must create gravity flow to a collection point between the liners.
- d. Operation and maintenance manuals shall be submitted to the Department for approval which include time schedules for removing sediments from the impoundments, maintenance operations, and inspection schedules.
- e. Dike stability testing of the soils used to construct the impoundments by Department approved methodologies.
- f. A plan detailing Department approved remedial measures to be taken if leaks and ground water contamination are detected.
- g. Specifications from liner manufacturer(s) certifying the UV sensitivity and compatibility of the liners with the intended contents.

The design shall be signed and sealed by a licensed New Jersey Professional Engineer and shall certify the capability of the two surface impoundments for their intended use.

- 18. Within 60 days of the Effective Date of the permit, the permittee shall submit a soil boring plan for Department approval which will determine the extent of soil contamination due to the closed industrial waste water treatment system located on the west side of the property and the abandoned lagoon located on the southeast side of the property. If it is determined that significant contamination exists, the Department will require the implementation of a Department-approved remedial action plan to remove all contaminated soil.
- 19. Within 90 days of the Effective Date of the permit, the permittee shall submit sediment analyses of the waterway and sump used to contain contaminated storm water. Sample locations shall be subject to approval by the Department. If significant contamination is found, the permittee shall be required to remove all contaminated soil and install additional monitor wells. The analysis shall include all parameters in appendix B Tables II and III of the NJPDES regulations.
- 20. The permittee shall install an impermeable liner in the waterway used to direct storm water to the storm water sump.

The liner shall be installed within 180 days of the effective date of the permit.

21. Within 90 days of the Effective Date of the permit, the permittee shall submit to the Department an analysis of surface water taken from the stream on the west side of the property. The sample shall be taken on the opposite side of the Woodbridge-Edison Connector Highway. The analysis shall include at a minimum all EPA priority pollutant organics.

22. Within 90 days of the Effective Date of the permit, the permittee shall submit to the Department complete chemical analyses of all flows leaving the plant area. Analyses of separate flows shall include at a minimum:

- flow from the ester production area
- flow from the amino acid production area
- sanitary waste flow
- boiler tower blowdown - *calm*
- storm drainage

a. The analyses shall include at a minimum:

- All parameters in appendix B Tables II and III of the NJPDES regulations
- Biochemical Oxygen Demand
- Chemical Oxygen Demand

The analyses shall be accompanied by detailed descriptions (including in-plant flow diagrams) on how "fugitive" quantities of products and raw materials enter the flow streams.

23. Within 90 days of the Effective Date of the permit, the permittee shall submit to the Department detailed information pertaining to the closure of all abandoned lagoons located on the property. Information submitted shall include at a minimum:

- origin of material contained in each lagoon
- volume of material contained in each lagoon
- chemical analyses of materials
- closure procedures including:
 - amounts of materials removed
 - capping or filling procedures

24. The permittee shall comply with all pretreatment requirements imposed by the Middlesex County Utilities Authority.

25. The Administrative Consent Order dated September 30, 1982 is hereby incorporated intact as part of this permit.

DR002252

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCESMONITORING REPORT - TRANSMITTAL SHEET

NPDES NO.

REPORTING PERIOD

MO. YR.

MO. YR.

01 01 51 11 51 51 1

THRU

PERMITTEE: Name Hatco Chemical CorporationAddress King George Post RoadFords, New Jersey 08863FACILITY: Name Same as permittee

Address _____

(County) MiddlesexTelephone ()FORMS ATTACHED (Indicate Quantity of Each)

SLUDGE REPORTS - SANITARY

☐ T-VWX-007 ☐ T-VWX-008 ☐ T-VWX-009

SLUDGE REPORTS - INDUSTRIAL

☐ T-VWX-010A ☐ T-VWX-010B

WASTEWATER REPORTS

☒ 2 T-VWX-011 ☐ T-VWX-012 ☒ 2 T-VWX-013

GROUNDWATER REPORTS

☒ 12 VWX-015(A,B) ☒ 12 VWX-016 ☒ 12 VWX-017

NPDES DISCHARGE MONITORING REPORT

☐ EPA FORM 3320-1OPERATING EXCEPTIONS

	YES	NO
DYE TESTING	<input type="checkbox"/>	<input type="checkbox"/>
TEMPORARY BYPASSING	<input type="checkbox"/>	<input type="checkbox"/>
DISINFECTION INTERRUPTION	<input type="checkbox"/>	<input type="checkbox"/>
MONITORING MALFUNCTIONS	<input type="checkbox"/>	<input type="checkbox"/>
UNITS OUT OF OPERATION	<input type="checkbox"/>	<input type="checkbox"/>
OTHER	<input type="checkbox"/>	<input type="checkbox"/>

(Detail any "Yes" on reverse side
in appropriate space.)**NOTE:** The "Hours Attended at Plant" on the
reverse of this sheet must also be completed.

AUTHENTICATION - I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

LICENSED OPERATOR

Name (Printed) _____

Grade & Registry No. _____

Signature _____

Date _____

PRINCIPAL EXECUTIVE OFFICER or
DULY AUTHORIZED REPRESENTATIVE

Name (Printed) _____

Title (Printed) _____

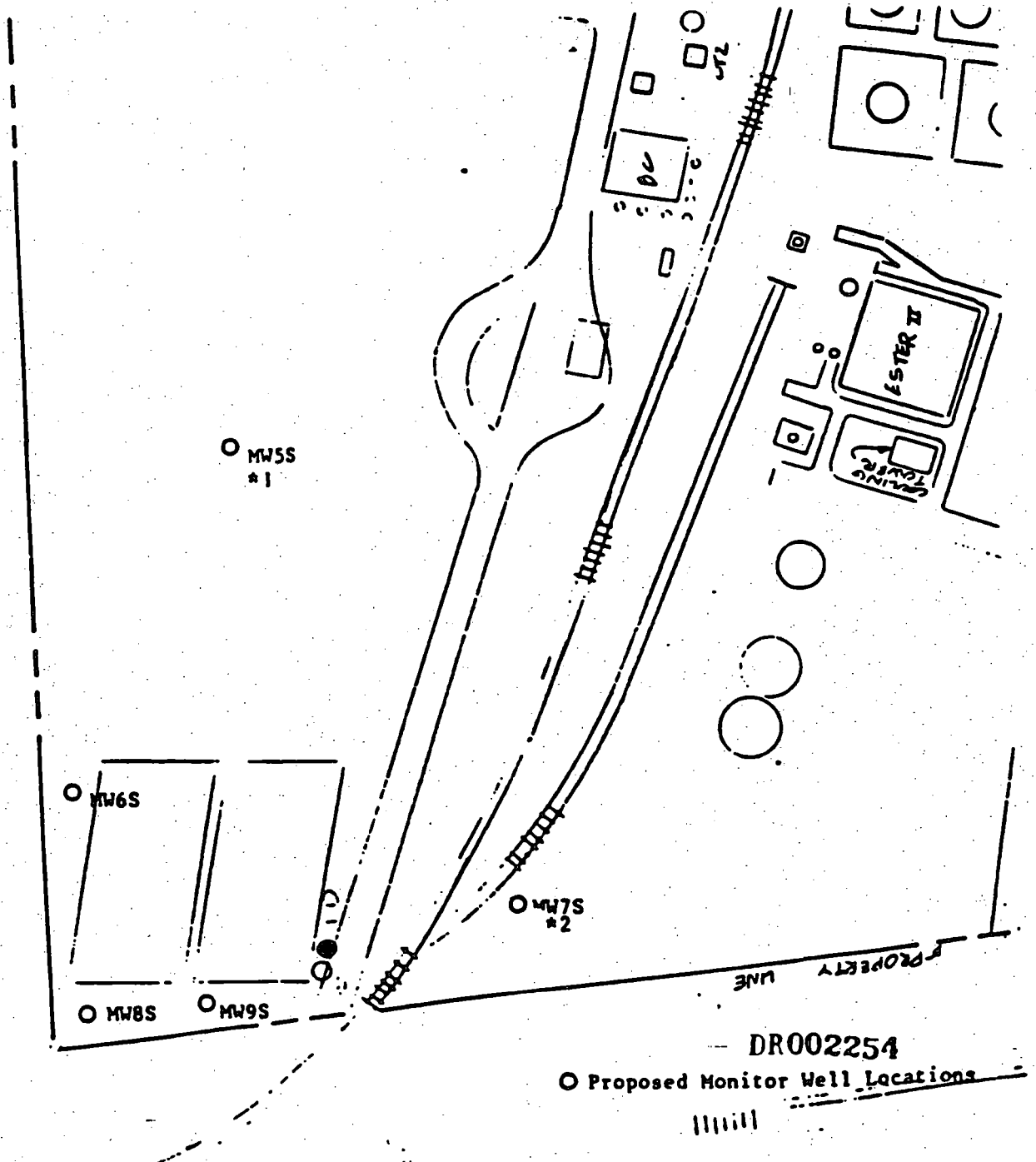
Signature _____

Date _____

DR002253

NOTES

- *1 Monitor well MW5S shall be located directly downgradient of the abandoned industrial waste water treatment system.
- *2 Monitor well MW7S shall be located directly downgradient of the storm water sump.

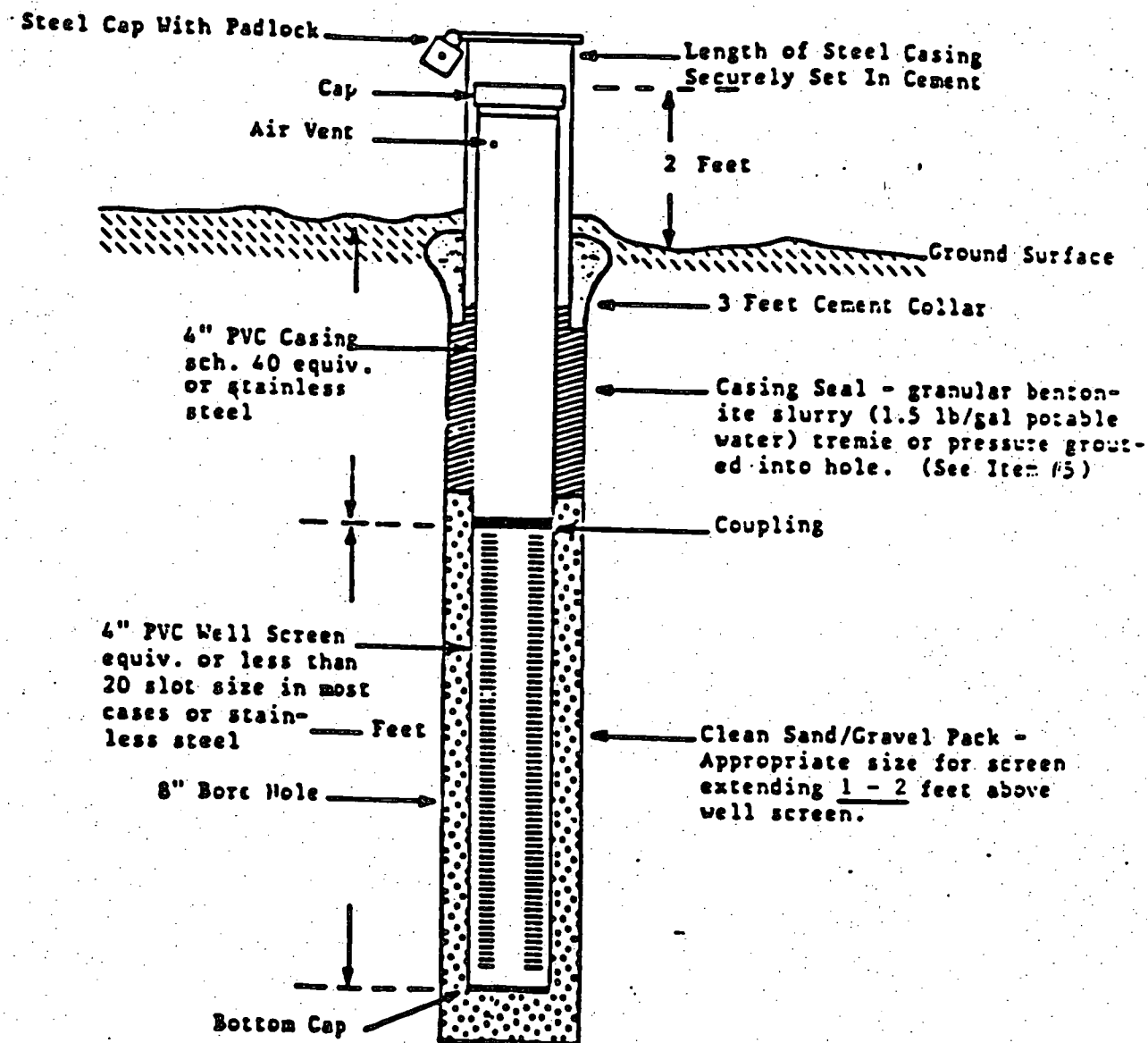


New Jersey Department of Environmental Protection Unconsolidated Monitor Well Specifications*

Site Name: Hatco Chemical Corporation

Location: Fords, Middlesex County

Date: _____



NOT TO SCALE

REQUIREMENTS:

1. Notification to the NJDEP is required two (2) weeks prior to drilling.
2. State well permits are required for each monitor well constructed by the driller. Report "use of well" on well permit application. Permit number must be permanently affixed to each monitor well.

DR002255

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCES

MONITORING REPORT - TRANSMITTAL SHEET

NPDES NO.

REPORTING PERIOD

MO. YR.

MO. YR.

0105115511

THRU

PERMITTEE: Name Hatco Chemical Corporation
Address King George Post Road
Fords, New Jersey 08863

FACILITY: Name Same as permittee
Address _____
(County) Middlesex
Telephone () _____

FORMS ATTACHED (Indicate Quantity of Each)

SLUDGE REPORTS - SANITARY

☐ T-VWX-007 ☐ T-VWX-008 ☐ T-VWX-009

SLUDGE REPORTS - INDUSTRIAL

☐ T-VWX-010A ☐ T-VWX-010B

WASTEWATER REPORTS

☒ 2 T-VWX-011 ☐ T-VWX-012 ☒ 2 T-VWX-013

GROUNDWATER REPORTS

☒ 12 VWX-015(A,B) ☒ 12 VWX-016 ☒ 12 VWX-017

NPDES DISCHARGE MONITORING REPORT

☐ EPA FORM 3320-1

OPERATING EXCEPTIONS

	YES	NO
DYE TESTING	<input type="checkbox"/>	<input type="checkbox"/>
TEMPORARY BYPASSING	<input type="checkbox"/>	<input type="checkbox"/>
DISINFECTION INTERRUPTION	<input type="checkbox"/>	<input type="checkbox"/>
MONITORING MALFUNCTIONS	<input type="checkbox"/>	<input type="checkbox"/>
UNITS OUT OF OPERATION	<input type="checkbox"/>	<input type="checkbox"/>
OTHER	<input type="checkbox"/>	<input type="checkbox"/>

(Detail any "Yes" on reverse side
in appropriate space.)

NOTE: The "Hours Attended at Plant" on the
reverse of this sheet must also be completed.

AUTHENTICATION - I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

LICENSED OPERATOR

Name (Printed) _____
Grade & Registry No. _____
Signature _____
Date _____

**PRINCIPAL EXECUTIVE OFFICER or
DULY AUTHORIZED REPRESENTATIVE**

Name (Printed) _____
Title (Printed) _____
Signature _____
Date _____

DR002256

THIS FORM MUST BE COMPLETED BY THE PERMITTEE OR HIS/HER AGENT

GROUND WATER
MONITORING WELL CERTIFICATION - FORM A - AS-BUILT CERTIFICATION
(One form must be completed for each well)

Name of Permittee: Hatco Chemical Corporation
Name of Facility: Hatco Chemical Corporation
Location: Fords, Middlesex County
NJPDES Permit No: NJ 0051551

ENGINEER'S CERTIFICATION

Well Permit Number (As assigned by NJDEP's Water
Allocation Section (609-984-6831):
This number must be permanently affixed to the
well casing.

Owner's Well Number (As shown on the application
or plans):

Well Completion Date:

Distance from Top of Casing (cap off) to ground
surface (one-hundredth of a foot);

Total Depth of Well (one-tenth of a foot):

Depth to Top of Screen From Top of Casing

(one-tenth of a foot):

Screen Length (feet):

Screen or Slot Size:

Screen Material:

Casing Material: (PVC, Steel or Other-Specify):

Casing Diameter(Inches):

Static Water Level From Top of Casing at The

Time of Certification(one-hundredth of a foot):

Yield (Gallons per Minute):

Length of time Well Pumped or Bailed:

Lithologic Log:

Hours Minutes

ATTACH ON BACK

AUTHENTICATION:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitted false information including the possibility of fine and imprisonment.

Professional Engineer's Signature

DR002257

Professional Engineer's Name
(Please type or print)

SEAL

Professional Engineer's License #

THIS FORM MUST BE COMPLETED BY THE PERMITTEE OR HIS/HER AGENT

GROUND WATER MONITORING WELL CERTIFICATION - FORM B - LOCATION CERTIFICATION

Name of Permittee: Hatco Chemical Corporation
Name of Facility: Hatco Chemical Corporation
Location: Fords, Middlesex County
NJPDES Number: NJ 0051551

LAND SURVEYOR'S CERTIFICATION

Well Permit Number (As assigned by NJDEP's Water Allocation Section, 609-984-6831):
This number must be permanently affixed to the well casing.

Longitude (one-tenth of a second):

West

Latitude (one-tenth of a second):

North

Elevation of Top of Casing (cap off)
(one-hundredth of a foot):

Owners Well Number (As shown on the application or plans):

AUTHENTICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

PROFESSIONAL LAND SURVEYOR'S SIGNATURE

PROFESSIONAL LAND SURVEYOR'S NAME
(Please print or type)

SEAL

PROFESSIONAL LAND SURVEYOR'S LICENSE #

DR002258

The Department reserves the right in cases of violation of permit specified ground water limits or Ground Water Quality Standards (N.J.A.C. 7:9-6.1 et seq.) to require that wells be resurveyed to an accuracy of one-hundredth of a second latitude and longitude. This shall

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCES

INDUSTRIAL FACILITY WASTEWATER REPORT

NJPDES NO.

DISCHARGE

REPORTING PERIOD

NJDEP
USE

NEW JERSEY
LABORATORY
CERT. NO.

0051151511

101

THRU

3

20

21 25

PARAMETER DESCRIPTION	EFFLUENT CONC.		ppb	
	MAXIMUM			
Acrylonitrile				
Benzene				
Bromoform				
Carbon Tetrachloride				
Chlorobenzene				
Chlorodibromomethane				
Chloroform				
1,1-Dichloroethane				
1,2-Dichloroethane				
1,1-Dichloroethylene				
1,2-Dichloropropane				
Ethylbenzene				
Methylene Chloride				
1,1,2,2-Tetrachloroethane				
Tetrachloroethylene				
Toluene				
1,1,1-Trichloroethane				
1,1,2-Trichloroethane				
Trichloroethylene				
Vinyl Chloride				
Acrolein				
Chloroethane				
2-Chloroethylvinyl Ether				
Dichlorobromomethane				
1,3-Dichloropropylene				
Methyl Bromide				
Methyl Chloride				
1,2-trans-Dichloroethylene				

DR002259

DISCHARGER NAME: Hatco Chemical Corporation

LAB NAME: _____

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCES

INDUSTRIAL FACILITY WASTEWATER REPORT

NJPDES NO.

DISCHARGE

REPORTING PERIOD -

NJDEP
USE

NEW JERSEY
LABORATORY
CERT. NO.

0 0 1 5 1 1 5 1 1
1 7

1 0 2
8 10

11 14 THRU 15 18

3
19

20

21 25

PARAMETER DESCRIPTION	EFFLUENT CONC. ppb	MAXIMUM			
		43	49		
Acrylonitrile					
Benzene					
Bromoform					
Carbon Tetrachloride					
Chlorobenzene					
Chlorodibromomethane					
Chloroform					
1, 1 - Dichloroethane					
1, 2 - Dichloroethane					
1, 1 - Dichloroethylene					
1, 2 - Dichloropropane					
Ethylbenzene					
Methylene Chloride					
1, 1, 2, 2 - Tetrachloroethane					
Tetrachloroethylene					
Toluene					
1, 1, 1 - Trichloroethane					
1, 1, 2 - Trichloroethane					
Trichloroethylene					
Vinyl Chloride					
Acrolein					
Chloroethane					
2 - Chloroethylvinyl Ether					
Dichlorobromomethane					
1, 3 - Dichloropropylene					
Methyl Bromide					
Methyl Chloride					
1, 2 - trans - Dichloroethylene					

AS REQUIRED BY PERMIT

PR002260